

ASSESSMENT OF REVISION RL/REG-96-03

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON ➤ Commitment to ECP
Key Element 1 – Commitment to DOE Policy on Employee Concerns					
NO.	ATTRIBUTE	PART A	PART B		
6.1.4.1	Communicate commitment to management of ECP	1.0, 'Introduction' and 2.0, 'Policy,'	1.0, 'Introduction' and 2.0, 'Policy,' 1 st paragraph	In addition to stating commitment, the revised ECP includes definition of “concern.” However, neither the Part A nor the proposed Part B program include the commitment to adopt or to exceed the provisions of DOE policy.	Management commitment maintained in revision.
6.1.4.2	Prohibit reprisals	2.0, 'Policy,' 3rd paragraph	2.0, 'Policy,' 2nd paragraph	Strong statement prohibiting reprisals in both documents. The revised version has added the reference to 10 CFR 708 to clarify the applicability of that statute. There were editorial changes that did not impact the prohibition of reprisals or retributions.	Reprisals prohibited

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6.1.4.3	Responsiveness per 5480.29	Entire document	Entire document	The review guidance calls for the submittal to provide mechanisms consistent with the DOE Order. The program establishes that the mechanisms such as reporting, resolution, confidentiality are required. The details of the implementation are addressed in project controlled documents rather than in the AB document	Revision requires program, however the implementing instructions have been moved from an Authorization Basis document into project controlled documents. With this relocation, BNFL can change the method of implementation without prior RU approvals as long as the implementing document continues to satisfy the requirement in place in the Program (the AB document). Allowing BNFL control of the mechanisms used to implement an effective ECP does not reduce the commitment to the program.

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6.1.4.4	Communicate DOE support of BNLF ECP	1.0, "Introduction" 3 rd and 4 th paragraphs 3.0, "Description" 1 st paragraph	1.0, "Introduction," 3 rd paragraph 2.0 "Policy," 1 st paragraph	Both versions encourage resolution through normal procedures, but note that BNFL ECP and other agencies are available if needed. Implementing documents contain the names and phone numbers that employees may want to contact.	The Program continues to recommend use of normal process and states that other avenues are available. Removal of the list of specific agencies and phone numbers from the AB document does not decrease the ability of the employees to contact other agencies. The Program plan directs the employees to project controlled documents for the detailed information they may need.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON ➤ Officer responsible for ECP
Key Element 2 – Designation of Employee Concerns Manager					
NO.	ATTRIBUTE	PART A	PART B		
6.2.4.1	Designate responsible individuals	Appendix E designated Lois Bender in Virginia as the Officer and listed E. Akre as the BNFL coordinator. It lists locations for Part B Coordinators for partners.	4.0, “Structure” and 5.0, Responsibilities address the activities, qualifications, and responsibilities of the Officer and Coordinator	The names and addresses of the officer and coordinator are not included in the ECP. This allows management to assign qualified individuals without having to change an authorization basis document. The proposed revision also changes the organizational structure that would have off-site coordinators at partner out of state offices.	The names contained in Revision 0 were no longer applicable. The current Officer and Coordinator are identified on bulletin boards and during Employee Orientation. Allowing BNFL management the ability to change the responsible individuals or the implementing procedure without prior RU approval does not diminish the commitment to or the effectiveness of the ECP. Moving these details to project implementing documents allows BNFL management to make these changes (provided they do not meet the criteria in RL/REG-97-13) without prior RU approval. Even though the names of the individuals are no longer contained in the AB document and can be changed without RU approval, the Program will continue to have responsible individuals designated.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON ➤ Employee notified by training, hotline available
Key Element 3 – Notification of Employees and Establishing a Hot-line					
NO.	ATTRIBUTE	PART A	PART B		
6.3.4.1	Effective communication methods	3.2, ECP Officer is responsible for ensuring that employees are informed about ECP policy and procedures	5.1, ECP Officer is responsible for assuring that project staff is informed about program.	Revision 0 did not describe information posters. This was not added to proposed revision.	Posters were never described in the AB document. The requirement to ensure that employees are informed of the ECP remains in the proposed revision. The responsibility to ensure the success of the program remains with the Officer.
6.3.4.2	24 hour secure hotline	Entire document reinforces maintaining confidentiality and noted that a 'HOTLINE' would be available in "Phase 1B"	Entire document reinforces maintaining confidentiality and repeatedly mentions that concerns can be raised on the telephone.	Requirements to maintain confidentiality are discussed in revision 0 and the proposed revision. Neither version describes the provisions for secure hotline	Proposed revision requires confidentiality. The proposed revision includes the provision that employee may use the telephone to raise concerns. The specifics of how to establish the phone system do not need to be included in the AB document in order to assure the RU that the secure hotline will be available. Officer is responsible for maintaining confidentiality.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON ➤ Officer responsible for operation of program
Key Element 4 – Operation of an Employee Concerns Management System					
NO.	ATTRIBUTE	PART A	PART B		
6.4.4.1	Prompt contact to confirm understanding	3.1.1 established a 5 working day acknowledgment of receipt of concern 3.1.2 established a 15-day status report requirement and a 30-day resolution time, if possible.	4.3 requires investigation and resolution in a timely manner. 5.1 established ECP staff with the responsibility for the timely resolution. The time frame ‘prompt’ is not defined in the ECP Plan, although some guidance is provided.	Revision 0 set time limits for actions. The proposed revision only requires prompt action without specifying the time frame. Prompt may be different, based on the different cases. The responsibility for determining a time frame that is acceptable is assigned to BNFL project management. Recommended times for acknowledging the concern and resolution of the concern are included.	The review guidance and the proposed revision require prompt response to employee concerns. The specific response times have been moved to implementing documents. The ECP provides guidance on time frames. This will allow BNFL to make changes in these times without prior RU approval, provided that the changes do not reduce the effectiveness of the program (or meet other criteria in RL/REG-97-13). If response time limits remain in the AB document, a BNFL prompt response in excess of the specified times would subject BNFL to enforcement action even if the ECP had functioned appropriately.

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NO.	ATTRIBUTE	PART A	PART B		
6.4.4.2	Tracking system	3.2 established record keeping as a responsibility of the ECP officer	4.4 and 5.1 establish that reports are required and that the ECP Officer is responsible.	Revision 0 did not include the information, but the proposed revision does include some parameters that are to be tracked for reporting purposes.	As revised, the ECP continues to require reports and the ECP officer is responsible for the reports.

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6.4.4.3	Standards for investigations	Appendix D presents guidelines for investigations.	4.0 and 5.1 establish the requirement that investigations be conducted and assign that responsibility to the ECP Officer. 5.1 also refers the reader to implementing documents for guidance on conducting an investigation	Revision 0 contained guidelines, but they were not presented as “standards for adequate investigations.” In keeping with the BNFL Business Model, the proposed revision refers the reader to project implementing documents for guidance on performing an investigation.	Under the BNFL Business Model, instructions on how to accomplish tasks are contained in implementing documents such as codes of practice or procedures. The requirements that must be met are contained in AB documents such as the ISMP or the SRD. Therefore, project employees are trained to consult implementing documents for the steps to follow to meet requirements. In this situation, investigations may be conducted for reasons other than employee concerns, but all investigations should be conducted in a similar manner. So the guidance for conducting all investigations is in a code of practice and not in the AB document. The relocation of the specific steps to implementing documents allows BNFL to control how investigations are conducted.

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NO.	ATTRIBUTE	PART A	PART B		
6.4.4.4	Provisions for privacy and confidentiality	3.2, ECP Officer is charged with maintaining confidentially and protecting records.	2.0, 'Policy' mandates confidentiality and anonymity as part of the program. 5.0, assign the responsibility to the ECP Officer	Revision 0 specified that confidentiality should be maintained. The specific steps to be taken were not included. The proposed revision also directs that the ECP Officer maintain confidentiality and that the ECP Officer is responsible for the success of the program. Again, the details required to meet that responsibility are not included in the proposed revision.	Requirement to maintain confidentiality and anonymity are maintained in the proposed revision.

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6.4.4.5	Response times for concerns	3.1.2 specified that if possible concerns should be resolved in 30 days.	2.0 'Policy' states the clear management commitment to resolve concerns promptly. The time frame 'prompt' is not defined in the ECP Plan, although some guidance is provided.	In Revision 0, specific steps to be taken, with the required time frame for completion, were included in the document. The specific procedural steps and their completion times have been moved to implementing documents.	The review guidance and the proposed revision require prompt response to employee concerns. The specific response times have been moved to implementing documents. The ECP provides guidance on time frames. This will allow BNFL to make changes in these times without prior RU approval, provided that the changes do not reduce the effectiveness of the program (or meet other criteria in RL/REG-97-13). If response time limits remain in the AB document, a BNFL prompt response in excess of the specified times would subject BNFL to enforcement action even if the ECP had functioned appropriately.
6.4.4.6	Periodic reports to management	3.2 quarterly reporting to management and DOE is the responsibility of the ECP Officer	4.4 requires the ECP Officer to make quarterly report to management and DOE.		Quarterly report requirement maintained.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON ➤ ECP requires identification of imminent danger
Key Element 5 – Identification of Significant Issues					
NO.	ATTRIBUTE	PART A	PART B		
6.5.4.1	Criteria for significance and priority	3.1 described 3 categories, requiring immediate action for those that presented an immediate threat. 4.0 requires that recipients of concerns evaluate the concerns to ensure that potential threats are handled expeditiously	4.3 requires that concerns are categorized and that those of imminent danger be evaluated and receive highest priority. 5.2 requires managers to evaluate the potential of imminent danger	The criteria presented in both revisions are those concerns of immediate or imminent danger are dealt with immediately.	Proposed revision continues to require that conditions of immediate or imminent danger are dealt with immediately.
6.5.4.2	Criteria for referral to other agencies	2.0, 'Policy' addresses the scope of the program, e.g. what areas are applicable to the ECP	2.0, 'Policy' addresses the scope of the program. The ECP Officer is responsible for making information about other agencies available	No change between the revisions relative to this attribute	Proposed revision maintains the direction that other agencies may need to be contacted.

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6.5.4.3	Monitor for trends	3.2 listed quarterly reporting to management and DOE as the responsibility of the ECP Officer	4.4 requires the ECP Officer to make quarterly report to management and DOE.		Proposed revision maintains the requirement for quarterly reports.